



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/784,003

02/20/2004

David A. Matthews

MS1-2015US

4376

22801

7590

04/29/2008

LEE & HAYES PLLC

421 W RIVERSIDE AVENUE SUITE 500

SPOKANE, WA 99201

EXAMINER

BELOUSOV, ANDREY

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

04/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,003	<b>Applicant(s)</b> MATTHEWS ET AL.	
	<b>Examiner</b> ANDREY BELOUSOV	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/17/2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the RCE filing of January 25, 2008. Claims 1-38 are pending and have been considered below.

#### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-38 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 16-21, 25, 27-29, 48, 50-53 of copending Application No. 10/783,382. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are directed to a User Interface for Operating System logon including desktop selection and multiple application initiation controls.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Objections***

4. Claims 9-15 are objected to because of the following informalities: preamble of claims 9-15 is directed to "a user interface selectable control" of claim 8, the Examiner believes the Applicant meant to direct claims 9-15 to the "user interface" of claim 8. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1, 2, 8-10, 16-19, 25-28 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rathbone (Andy Rathbone, Windows XP for Dummies®, Wiley Publishing, Inc) in view of Ricart (The Complete Idiot's Guide® to Linux, Second Edition) and in further view of Enin (Batch Launcher 1.0 Feb 10, 2003 release.)

**Claim 1, 8, 16, 25:** Rathbone discloses a user interface (pg. 62, desktop) displayed on a display device of a computing device, the user interface configured to be displayed after a user has selected one of multiple selectable logon controls (pg. 63, e.g. Andy

Rathbone logon) on a user interface logon page, each of the multiple selected logon controls corresponding to a respective user of the computing device (pg. 63),

However, Rathbone does not explicitly disclose the user interface comprising:

- a. a desktop selection control configured to allow selection of one of a plurality of desktop environment associated with the user corresponding to the selected selectable logon control from the user interface logon page, each of the plurality of desktop environment corresponding to a different user persona of the user corresponding to the selected selectable logon control;
- b. a selectable control (Applications list of the batch; page 1) configured to initiate (from the batch; page 1) that multiple applications start together and in response to a single user input (by one click; page 1); and
- c. selectable configurations (batches; page 1) each configured (user formed; page 1) for a user selection to designate (drag and dropping; page 1) a multiple application start-up configuration (batch; page 1.)

Ricart discloses a well-known operating system including a particularly signature concept of multiple desktop selection, including:

- a. a desktop selection control configured to allow selection of one of a plurality of desktop environment associated with the user corresponding to the selected selectable logon control from the user interface logon page ("virtual desktop buttons," page 67), each of the plurality of desktop environment corresponding to a different user persona (the Examiner notes that the virtual desktop buttons can be renamed any way the user wants, including "work", "home," "weekend," or

"weekday" so as to correspond to a 'persona'; page 71) of the user  
corresponding to the selected selectable logon control;

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a desktop selection controls as disclosed by Ricart, in the operating system of Rathbone as one would have been motivated to include the best features from other prevailing operating system user interfaces to an improvement an operating system user interface.

Enin discloses a Batch Launcher application for use on an operating (such as Windows XP OS disclosed by Rathbone), including:

- b. a selectable control (Applications list of the batch; page 1) configured to initiate (form the batch; page 1) that multiple applications start together and in response to a single user input (by one click; page 1); and
- c. selectable configurations (batches; page 1) each configured (user formed; page 1) for a user selection to designate (drag and dropping; page 1) a multiple application start-up configuration (batch; page 1.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include controls for multiple application initiation as taught by Enin within an operating system of Rathbone. One would have been motivated to include the teaching of Enin in Rathbone as it was well within known options given that Enin was running on the OS disclosed by Rathbone.

**Claim 2, 9, 17, 26:** Rathbone, Ricart and Enin and disclose a user interface as recited in claim 1. Enin further discloses wherein the selectable control is user-configurable to designate a multiple application start-up configuration (page 1.)

**Claim 10, 19, 28:** Rathbone, Ricart and Enin disclose a user interface selectable control as recited in claim 8. Enin further discloses wherein the multiple application programs are a user-defined (by drag and dropping the shortcuts; page 1) group of application programs (set of applications; page 1), and wherein the user interface selectable control is further configured to start (launch; page 1) the user-defined group of applications together (by one click; page 1.)

**Claim 17, 26:** Rathbone, Ricart and Enin disclose a method and one or more computer readable media as recited in claim 16 and 25, respectively. Enin further discloses comprising receiving a user selection to designate a multiple application start-up configuration (selecting a required batch at Windows® startup; page 1.)

**Claim 18, 27:** Rathbone, Ricart and Enin disclose a method and one or more computer readable storage media as recited in claim 16 and 25, respectively. Enin further discloses comprising receiving a user selection (drag and dropping shortcuts; page 1) to configure the user interface selectable control which is user-configurable to designate a multiple application program start-up configuration.

Art Unit: 2174

**Claim 19, 28:** Rathbone, Ricart and Enin disclose a method and one or more computer readable storage media as recited in claim 16 and 25, respectively. Enin further discloses wherein receiving the user selection initiates (forms; page 1) a user-defined group of applications (batch; page1,) and wherein starting (launch; page 1) the multiple applications includes starting the user-defined group of applications together and in response to a single user input (by one click; page1.)

**Claim 34, 37:** Rathbone, discloses a method comprising:

- a. receiving a user selection of a selectable logon control on a user interface logon page, the selectable logon control associated with a user (pg. 62, 63);

However, Rathbone does not explicitly disclose:

- b. receiving a user selection of a desktop environment from a plurality of desktop environments associated with the user, each of the plurality of desktop environments corresponding to a different user persona.
- c. receiving multiple user selections each configured to initiate an application program;
- d. receiving a single user input to initiate multiple application programs, each of the multiple application programs corresponding to one of the multiple user selections; and
- e. starting the multiple application programs together and in response to a single user input;



Ricart discloses a well-known operating system including a particularly signature concept of multiple desktop selection, including:

- b. receiving a user selection of a desktop environment from a plurality of desktop environments associated with the user ("virtual desktop buttons," page 67), each of the plurality of desktop environments corresponding to a different user persona (the Examiner notes that the virtual desktop buttons can be renamed any way the user wants, including "work", "home," "weekend," or "weekday" so as to correspond to a 'persona'; page 71);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a desktop selection controls as disclosed by Ricart, in the operating system of Rathbone as one would have been motivated to include the best features from other prevailing operating system user interfaces to an improvement an operating system user interface.

Enin discloses a Batch Launcher application for use on an operating (such as Windows XP OS disclosed by Rathbone), including:

- c. receiving multiple user selections (drag and dropping; page 1) each configured to initiate (add needed shortcuts (applications) to the batch (Applications list); page 1) an application program;
- d. receiving a single user input to initiate (batch forming; page 1) multiple application programs, each of the multiple application programs corresponding to one of the multiple user selections (by one click; page 1); and

- e. starting the multiple application programs together and in response to a single user input (by one click; page 1);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include controls for multiple application initiation as taught by Enin within an operating system of Rathbone. One would have been motivated to include the teaching of Enin in Rathbone as it was well within known options given that Enin was running on the OS disclosed by Rathbone.

**Claim 35, 38:** Rathbone, Ricart and Enin disclose a method and one or more computer readable media as recited in claim 34 and 37, respectively. Enin further discloses comprising delaying the start (launch; page 1) of the selected application programs (batch; page 1) until receiving the user input to initiate (drag and dropping; page 1) starting the selected application programs (formation of batches is performed before (delayed) launching (starting) the set of selected application programs (batch; page 1.)

**Claim 36:** Rathbone, Ricart and Enin disclose a method as recited in claim 34. Enin further discloses wherein receiving the user input to initiate starting the selected application programs includes receiving a user selection that does not correspond to a user-selectable control (use of shortcuts of the batches on the desktop; page 2.)

7. Claims 3-7, 11-15, 20-24 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rathbone in view of Ricart, in further view of Enin, and in

further view of Langer (Mac OS X 10.1, Visual Quickstart Guide, Peachpit Press, Copyright (c) 2002.)

**Claim 3, 11, 20, 29:** Rathbone, Ricart and Enin disclose a user interface as recited in claim 1, wherein the multiple applications are a group of applications, and wherein the selectable control is further configured to initiate that the group of applications start (launch; page 1) together (by one click; page 1.) However, Rathbone, Ricart and Enin do not explicitly disclose wherein the multiple applications are a group of applications executing when a previous computing session was discontinued. Langer discloses an operating system comprising a means to start back up a group of applications from before the computer was put to sleep (page 58.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a group of applications executing when a previous computing session was discontinued, as taught by Langer, into the Operating System of Rathbone, modified with Ricart and Enin. One would have been motivated to include previous session applications in order to allow continuation of potentially interrupted task from the previous session.

**Claim 4, 12, 21, 30:** Rathbone, Ricart and Enin disclose a user interface as recited in claim 1, wherein the multiple applications are a group of applications, and wherein the selectable control is further configured to initiate that the group of applications start (launch; page 1) together (by one click; page 1.) However, Rathbone, Ricart and Enin do not explicitly disclose wherein the multiple applications are a group of applications

Art Unit: 2174

often selected for use by the user. Langer discloses an operating system comprising a means to initiate applications often selected for use by the user (page 104.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a group of applications often selected for use by the user, as taught by Langer, into the Operating System of Rathbone, modified with Ricart and Enin. One would have been motivated to include often selected for use by the user applications in order to provide a quick launch of programs that will be most likely needed by the user and in such a fashion meet the anticipation of the user.

**Claim 5, 13, 22, 31:** Rathbone, Ricart and Enin disclose a user interface as recited in claim 1, wherein the multiple applications are a group of applications, and wherein the selectable control is further configured to initiate that the group of applications start (launch; page 1) together (by one click; page 1.) However, Rathbone, Ricart and Enin do not explicitly disclose wherein the multiple applications are a group of applications recently selected for use by the user. Langer discloses an operating system comprising a means to initiate applications recently selected for use by the user (page 106.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a group of applications recently selected for use by the user, as taught by Langer, into the Operating System of Rathbone, modified with Ricart and Enin. One would have been motivated to include recently used by the user applications in order to provide a quick launch of programs that will be most likely needed by the user and in such a fashion meet the anticipation of the user.

**Claim 6, 14, 23, 32:** Rathbone, Ricart and Enin disclose a user interface as recited in claim 1, wherein the multiple applications are a group of applications, and wherein the selectable control is further configured to initiate that the group of applications start (launch; page 1) together (by one click; page 1.) However, Rathbone, Ricart and Enin do not explicitly disclose wherein the multiple applications are a group of applications most used by the user. Langer discloses an operating system comprising a means to initiate applications most used by the user (page 104.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a group of applications most used by the user, as taught by Langer, into the Operating System of Rathbone, modified with Ricart and Enin. One would have been motivated to include most used by the user applications in order to provide a quick launch of programs that will be most likely needed by the user and in such a fashion meet the anticipation of the user.

**Claim 7, 15, 24, 33:** Rathbone, Ricart and Enin discloses a user interface as recited in claim 1. Enin and Langer further disclose, as per similar reasoning as claims 3, 4, 5 and 6 above, wherein the selectable configurations include at least one of (i) a configuration to designate a group of applications executing when a previous computing session was discontinued (page 58), (ii) a configuration to designate a group of applications often selected for use (page 104), (iii) a configuration to designate a group of applications

Art Unit: 2174

recently selected for use (page 106), and (iv) a configuration to designate a group of applications most used by the user (page 104.)

### ***Response to Arguments***

8. Applicant's arguments with respect to claim 1-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB  
April 22, 2008

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174